



## *Report to the Auburn City Council*

Action Item

Agenda Item No. 8

City Manager Approval

**To:** Mayor and City Council Members  
**From:** Valerie Harris, Chief of Police  
**Date:** January 10, 2011  
**Subject:** Senate Bill 857: Parking Fine Increase Effective December 7, 2010, and Procedures to Adopt Increased Parking Fines by Resolution

### **The Issue**

Should the City Council approve a resolution that increases parking fines based on Senate Bill 857 and Senate Bill 1407 that requires cities that process parking violations to increase the share of parking citation revenues that must be paid over to the county treasurer and the state by three dollars (\$3.00) per citation for the county and by four dollars and fifty cent (\$4.50) for the state.

### **Conclusion and Recommendation**

Based on our research, Staff is recommending that the City Council approve a resolution increasing all of our parking fines by eight dollars (\$8.00) to comply with Senate Bill 857 and Senate Bill 1407 and to comply with Department of Motor Vehicles practices that do not process amounts not stated in even dollars.

### **Background**

To fund trial court operations, Senate Bill 857 requires cities that process parking violations to increase the share of parking citation revenues that must be paid over to the county treasurer by three dollars (\$3.00) per citation, effective on December 7, 2010. Last year, effective on January 1, 2009, Senate Bill 1407, among other things, required a similar \$4.50 increase in the State's share of parking fines. This increased fee may be included in the penalty, fine, or forfeiture imposed for the parking violation; if not, it must be paid from funds that would otherwise be retained by the City. Unless subsequent legislation or budget proposals are passed, these provisions will sunset on July 1, 2013.

To avoid paying the seven dollars and fifty cent (\$7.50) increase from revenue received from parking citations, cities with parking enforcement may wish to increase fines for parking violations to cover this increased cost by amending the existing resolution or ordinance establishing such fines. In Auburn, the total increase for parking fines should be seven dollars and fifty cents (\$7.50), because in addition to the three-dollar increase (\$3.00) under Senate Bill 857, the four dollar and fifty cent (\$4.50) increase under Senate Bill 1407 has yet to be adopted. As the Department of Motor Vehicles, which places "holds" on car registration renewals for

unpaid parking tickets, will not process amounts not stated in even dollars, you may wish to increase your fines by \$8.

Auburn Municipal Code § 72.01, subsection (D), states that “any person violating any provision” of the parking regulations set for the in the Auburn Municipal Code “shall be civilly responsible for payment of fees approved and set by resolution of the Council.” Therefore, parking fines and fees are established by resolution of the City Council and in order to increase fines for parking violations, the City Council must adopt a resolution doing so.

The text of Senate Bill 857 states, “Judges of the county shall increase the bail schedule amounts as appropriate for infraction parking violations to reflect the added (\$3.00) penalty....”

Therefore, in fashioning the resolution and parking fines, the City may consult the countywide bail schedule and determine if the amount of the fees and fines imposed for parking violations has been revised to include the new three-dollar (\$3.00) increase. If so, the City could follow the county bail schedule. Note that the bail schedule for each county is usually located on each county’s superior court website. Your parking ticket processing vendor may have already done this work in preparing the fine schedule it uses.

We also recommend the City pass a resolution establishing its fine schedule for parking violations. After a thorough search by the Office of the City Clerk and the Administrative Services Department, which reviewed resolutions adopted over the last two decades, a copy of the most recent resolution establishing the amount of the parking fees and fines could not be located. Given that the last resolution setting parking fees and fines could not be found, we recommend the City pass a new resolution and repeal any previous parking fee resolution, rather than amend any existing parking resolution. This will avoid confusion. Attached is a draft resolution we have prepared which the City can use. Note that Exhibit A to the draft resolution, the California Vehicle Code Parking Penalty Schedule has not been updated to reflect the increase of seven dollars and fifty cents (\$7.50). New totals will have to be added to the bail schedule to reflect the increase and, as noted above, you may wish to increase fines by an even eight dollars (\$8.00). It should also be noted that we have complied with the listed Government Codes that address notification requirements.

*Notice Requirements.* Under Government Code § 66018(a), prior to adopting a resolution which adopts “a new fee or approving an increase in an existing fee ... a local agency shall hold a public hearing, at which oral or written presentations can be made, as part of a regularly scheduled meeting.” Therefore, before the City can adopt the resolution to increase fees, the City needs to hold a public hearing at a City Council Meeting.

Under Government Code §§ 6062a and 66018, the City is required to publish notice, including a general explanation of the increase in parking fines and fees, for 10 days. The Government Code requires, two publications, five days apart, with the first at least 10 days before hearing.

**Alternatives Available to Council; Implications of Alternatives**

1. Proceed with Staff Recommendation and approve the resolution
2. Do not proceed with staff recommendation and deny the resolution

***Fiscal Impact***

By approving this resolution, we will raise our base fines for parking violations by eight dollars (\$8.00) to comply with the two Senate Bills and Department of Motor Vehicle policies. These additional fees will be revenue neutral for city collected parking fines.

## EXHIBIT A

A-1

CALIFORNIA VEHICLE CODE  
PARKING PENALTY SCHEDULE

CODE SECTION	DESCRIPTION	BASE PENALTY	LA COUNTY GC 76000	LA COUNTY PC 1465.5	CITY PC 1465.6	TOTAL PENALTY	LATE PENALTY	ADMIN FEE	TOTAL PEN & FEE
4000a	REGISTRATION REQUIRED <sup>1</sup>	\$ 50.00	\$ 5.00			\$55.00	\$50.00	\$15.00	\$120.00
4152.5	FAILURE TO APPLY FOR REGISTRATION	25.00	5.00			30.00	25.00	15.00	70.00
	WITH PROOF OF CORRECTION <sup>2</sup>	5.00	5.00			10.00	5.00	15.00	30.00
4454(e)	REGISTRATION CARD	25.00	5.00			30.00	25.00	15.00	70.00
	WITH PROOF OF CORRECTION <sup>2</sup>	5.00	5.00			10.00	5.00	15.00	30.00
4457	MUTILATED/ILLEGAL LICENSE PLATES <sup>2</sup>	25.00	5.00			30.00	25.00	15.00	70.00
	WITH PROOF OF CORRECTION <sup>2</sup>	5.00	5.00			10.00	5.00	15.00	30.00
4462(B)	EVIDENCE OF REGISTRATION WRONG VEHICLE	25.00	5.00			30.00	25.00	15.00	70.00
	WITH PROOF OF CORRECTION <sup>2</sup>	5.00	5.00			10.00	5.00	15.00	30.00
5200	DISPLAY OF LICENSE PLATES <sup>2</sup>	25.00	5.00			30.00	25.00	15.00	70.00
	WITH PROOF OF CORRECTION <sup>2</sup>	5.00	5.00			10.00	5.00	15.00	30.00
5201	POSITION OF PLATES <sup>2</sup>	25.00	5.00			30.00	25.00	15.00	70.00
	WITH PROOF OF CORRECTION <sup>2</sup>	5.00	5.00			10.00	5.00	15.00	30.00
5202	PLATES-WITHOUT PROPER DISPLAY	25.00	5.00			30.00	25.00	15.00	70.00
	WITH PROOF OF CORRECTION <sup>2</sup>	5.00	5.00			10.00	5.00	15.00	30.00
5204(a)	NO TAGS <sup>2</sup>	60.00	5.00			65.00	60.00	15.00	140.00
	WITH PROOF OF CORRECTION <sup>2</sup>	5.00	5.00			10.00	5.00	15.00	30.00
21113(a)	UNLAWFUL PARKING—PUBLIC GROUNDS	40.00	5.00			45.00	40.00	15.00	100.00
21210	BICYCLE PARKING	5.00	5.00			10.00	5.00	15.00	30.00
22500(a)	PARKING WITHIN INTERSECTION	40.00	5.00			45.00	40.00	15.00	100.00
22500(b)	PARKING ON CROSSWALK	40.00	5.00			45.00	40.00	15.00	100.00
22500(c)	PARKING/SAFETY ZONE MARKED WITH SIGN/RED PAINT	40.00	5.00			45.00	40.00	15.00	100.00
22500(d)	PARKING FIRE STATION ENTRANCE	55.00	5.00			60.00	55.00	15.00	130.00
22500(e)	BLOCKING DRIVEWAY	40.00	5.00			45.00	40.00	15.00	100.00
22500(f)	PARKING ON SIDEWALK	40.00	5.00			45.00	40.00	15.00	100.00
22500(g)	PARKING ALONG EXCAVATION	40.00	5.00			45.00	40.00	15.00	100.00
22500(h)	DOUBLE PARKING	40.00	5.00			45.00	40.00	15.00	100.00

<sup>1</sup> Minimum parking penalty set by California Vehicle Code Section 42001.8.

<sup>2</sup> Minimum parking penalty set by the California Vehicle Code Section 40225(c). Pursuant to Section 40225(d), fifty (50%) percent of the base penalty collected for an equipment or registration violation under Section 40225 shall be paid to the State and the remaining portion shall be retained by the City or pursuant to a contract between the City and its processing agency.

CODE SECTION	DESCRIPTION	BASE PENALTY	LA COUNTY GC 76000	LA COUNTY PC 1485.6	CITY PC 1485.6	TOTAL PENALTY	LATE PENALTY	ADMIN FEE	TOTAL PEN & FEE
22500(i)	PARKING IN BUS ZONE <sup>3</sup>	250.00	5.00			255.00	250.00	15.00	520.00
22500(j)	PARKING IN TUNNEL	40.00	5.00			45.00	40.00	15.00	100.00
22500(k)	PARKING ON BRIDGE	40.00	5.00			45.00	40.00	15.00	100.00
22500(l)	BLOCKING DISABLED ACCESS RAMP <sup>3</sup>	245.00	5.00			250.00	245.00	15.00	510.00
22500.1	PARKING IN FIRE LANE	55.00	5.00			60.00	55.00	15.00	130.00
22502(a)	PARKING 18" FROM CURB	40.00	5.00			45.00	40.00	15.00	100.00
22502(e)	CURB PARKING ONE-WAY ROADWAY	40.00	5.00			45.00	40.00	15.00	100.00
22504(a)	UNINCORPORATED AREA PARKING	45.00	5.00			50.00	45.00	15.00	110.00
22506(b)	STATE HIGHWAY PARKING	40.00	5.00			45.00	40.00	15.00	100.00
22507.8(a)	DISABLED PARKING - NO VISIBLE PLACARD OR PLATE <sup>3</sup>	325.00	5.00			330.00	325.00	15.00	670.00
22507.8(b)	OBSTRUCTION OF DISABLED PARKING SPACE <sup>3</sup>	325.00	5.00			330.00	325.00	15.00	670.00
22507.8(c)	PARKING DISABLED CROSS- HATCHED BOUNDARY LINES <sup>3</sup>	325.00	5.00			330.00	325.00	15.00	670.00
22510	PARKING SNOW AREAS, SIGN POSTED	40.00	5.00			45.00	40.00	15.00	100.00
22513	TOW CARS--PARKING ON FREEWAY	40.00	5.00			45.00	40.00	15.00	100.00
22514	FIRE HYDRANTS, 15 FEET	55.00	5.00			60.00	55.00	15.00	130.00
22515	UNATTENDED VEHICLES	40.00	5.00			45.00	40.00	15.00	100.00
22516	LOCKED DOOR-NO ESCAPE	35.00	5.00			40.00	35.00	15.00	90.00
22517	VEHICLE DOOR OPEN TO TRAFFIC	55.00	5.00			60.00	55.00	15.00	130.00
22520	STOPPING ON FREEWAY	30.00	5.00			35.00	30.00	15.00	80.00
22521	PARKING ON RAILROAD TRACKS	30.00	5.00			35.00	30.00	15.00	80.00
22522	PARKING NEAR SIDEWALK ACCESS RAMP <sup>3</sup>	275.00	5.00			280.00	275.00	15.00	570.00
22523(a)(b)	ABANDONMENT PROHIBITED <sup>4</sup>	100.00	5.00			105.00	100.00	15.00	220.00
22526	ANTI-GRIDLOCK ACT <sup>5</sup>	55.00	5.00			60.00	55.00	15.00	130.00
22526/2ND	SECOND OFFENSE ANTI-GRIDLOCK ACT <sup>5</sup>	100.00	5.00			105.00	100.00	15.00	220.00
22526/3RD	THIRD OFFENSE ANTI-GRIDLOCK ACT <sup>5</sup>	250.00	5.00			255.00	250.00	15.00	520.00
22951	PARKING LOT--STREET/ALLEY PARKING	35.00	5.00			40.00	35.00	15.00	90.00
23333	STOPPING AND PARKING VEHICULAR CROSSING	32.00	5.00			37.00	32.00	15.00	84.00

<sup>3</sup> Minimum parking penalty set by California Vehicle Code Section 42001.5.

<sup>4</sup> Minimum parking penalty set by California Vehicle Code Section 22523(c).

<sup>5</sup> Minimum parking penalty set by California Vehicle Code Section 42001.1.

CODE SECTION	DESCRIPTION	BASE PENALTY	LA COUNTY GC 76000	LA COUNTY PC 1465.5	CITY PC 1465.6	TOTAL PENALTY	LATE PENALTY	ADMIN FEE	TOTAL PEN & FEE
25300(c),(d) and (e)	WARNING DEVICE ON DISABLED OR PARKED VEHICLE	32.00	5.00			37.00	32.00	15.00	84.00
27155	FUEL CAP REQUIRED	25.00	5.00			30.00	25.00	15.00	70.00
	WITH PROOF OF CORRECTION	5.00	5.00			10.00	5.00	15.00	30.00
31303(d)	PARKING HAZARDOUS WASTE CARRIERS/RESID. DISTRICT	350.00	5.00			355.00	350.00	15.00	720.00

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# LOS ANGELES COUNTY PARKING PENALTY SCHEDULE

CODE SECTION	DESCRIPTION	BASE PENALTY	LA COUNTY GC 76000	LA COUNTY PC 1465.5	CITY PC 1465.6	TOTAL PENALTY	LATE PENALTY	ADMIN FEE	TOTAL PEN & FEE
15.20.070	FAILURE TO OBEY SIGNS/CURB MARKINGS	\$ 45.00	\$5.00			\$50.00	45.00	\$15.00	\$ 110.00
15.20.130	PARKING SPACE MARKINGS	35.00	5.00			40.00	35.00	15.00	90.00
15.44.120(B)	HOUSING AUTHORITY - NO PARKING AREA	35.00	5.00			40.00	35.00	15.00	90.00
15.44.140	HOUSING AUTHORITY - MORE THAN ONE PARKING SPACE	35.00	5.00			40.00	35.00	15.00	90.00
15.44.150	HOUSING AUTHORITY - RESTRICTED PARKING	35.00	5.00			40.00	35.00	15.00	90.00
15.44.160	HOUSING AUTHORITY - NO VEHICLE MAINTENANCE	35.00	5.00			40.00	35.00	15.00	90.00
15.48.050	VEHICLE EXCEEDING POSTED WEIGHT LIMITS	40.00	5.00			45.00	40.00	15.00	100.00
15.48.060	VEHICLE EXCEEDING 14,000 POUNDS - POSTED	40.00	5.00			45.00	40.00	15.00	100.00
15.52.040	BICYCLE LANES - UNAUTHORIZED PARKING	35.00	5.00			40.00	35.00	15.00	90.00
15.64.010	STOPPING PROHIBITED - PARKING TIME LIMITS	35.00	5.00			40.00	35.00	15.00	90.00
15.64.020	PARKING LOADING ZONES - COMMERCIAL	40.00	5.00			45.00	40.00	15.00	100.00
15.64.030	PARKING TIME LIMITS - POST OFFICE	35.00	5.00			40.00	35.00	15.00	90.00
15.64.040	PARKING AT MAIL BOX	35.00	5.00			40.00	35.00	15.00	90.00
15.64.050	NO COMMERCIAL PARKING 2AM- 6AM RESID. ZONE	40.00	5.00			45.00	40.00	15.00	100.00
15.64.052	NO COMMERCIAL PARKING (MORE THAN 10,000 POUNDS) RESID. DISTRICT	40.00	5.00			45.00	40.00	15.00	100.00
15.64.055	NO COMMERCIAL PARKING 10 PM - 6 AM SIGN POSTED	40.00	5.00			45.00	40.00	15.00	100.00
15.64.060	30 MINUTES PARKING 2AM-4AM	40.00	5.00			45.00	40.00	15.00	100.00
15.64.100	PARKING - DISCONNECTED TRAILER	40.00	5.00			45.00	40.00	15.00	100.00
15.64.110	PARKING IN BUS LOADING ZONE	250.00	5.00			255.00	250.00	15.00	520.00
15.64.120	PARKING IN PASSENGER ZONE	40.00	5.00			45.00	40.00	15.00	100.00
15.64.130	NO PARKING - ALLEYS	40.00	5.00			45.00	40.00	15.00	100.00
15.64.140	TEMPORARY NO PARKING	40.00	5.00			45.00	40.00	15.00	100.00
15.64.210	KEY IN IGNITION/UNATTENDED VEHICLE	35.00	5.00			40.00	35.00	15.00	90.00
15.64.220	PARKING ON GRADES	35.00	5.00			40.00	35.00	15.00	90.00
15.64.230	PARALLEL PARKING OVER 18' FROM CURB	35.00	5.00			40.00	35.00	15.00	90.00

CODE SECTION	DESCRIPTION	BASE PENALTY	LA COUNTY GC 76000	LA COUNTY PC 1465.5	CITY PC 1465.6	TOTAL PENALTY	LATE PENALTY	ADMIN FEE	TOTAL PEN & FEE
15.64.240	ANGLE PARKING	35.00	5.00			40.00	35.00	15.00	90.00
15.64.250	DOUBLE PARKING	40.00	5.00			45.00	40.00	15.00	100.00
15.64.260	NO PARKING ANYTIME	40.00	5.00			45.00	40.00	15.00	100.00
15.64.270	PARKING PRIVATE/PUBLIC PROPERTY W/O CONSENT	40.00	5.00			45.00	40.00	15.00	100.00
15.64.280	PARKING WRONG SIDE OF STREET	40.00	5.00			45.00	40.00	15.00	100.00
15.64.290	PARKING BETWEEN CURB AND ADJACENT PROPERTY	40.00	5.00			45.00	40.00	15.00	100.00
15.64.300	BLOCKING STREET	40.00	5.00			45.00	40.00	15.00	100.00
15.64.310	PARKING OF VEHICLE TRANSPORTING HAZARDOUS MATERIALS	350.00	5.00			355.00	350.00	15.00	720.00
15.64.320	BLOCKING DRIVEWAY ON PRIVATE STREET	40.00	5.00			45.00	40.00	15.00	100.00
15.64.330	PARKING IN INTERSECTION	40.00	5.00			45.00	40.00	15.00	100.00
15.64.340	PARKING VEHICLE FOR SALE	40.00	5.00			45.00	40.00	15.00	100.00
15.64.350	PARKING SPECIAL HAZARD	40.00	5.00			45.00	40.00	15.00	100.00
15.64.360	PARKING ADJACENT TO SCHOOL	40.00	5.00			45.00	40.00	15.00	100.00
15.64.370	PARKING - FIRE HYDRANT	55.00	5.00			60.00	55.00	15.00	130.00
15.64.390	PARKING IN ASSIGNED PARKING SPACES	40.00	5.00			45.00	40.00	15.00	100.00
15.64.400	DISABLED PARKING ON STREET	325.00	5.00			330.00	325.00	15.00	670.00
15.64.410	DISABLED PARKING OFF STREET	325.00	5.00			330.00	325.00	15.00	670.00
15.64.440	PARKING AT ASSIGNED TAXICAB STANDS	20.00	5.00			25.00	20.00	15.00	60.00
15.64.470	METERS ON HIGHWAYS—POSTED LIMITATIONS	20.00	5.00			25.00	20.00	15.00	60.00
15.64.480	PARKING LOT METERS - POSTED LIMITATIONS	20.00	5.00			25.00	20.00	15.00	60.00
15.64.490	METERS—FAILURE TO DEPOSIT FEE	40.00	5.00			45.00	40.00	15.00	100.00
15.64.700	PREFERENTIAL PARKING DISTRICT - NO PERMIT	40.00	5.00			45.00	40.00	15.00	100.00
15.76.080	VEHICLE ON SIDEWALK	40.00	5.00			45.00	40.00	15.00	100.00
15.76.120	REPAIRING VEHICLES ON STREET	40.00	5.00			45.00	40.00	15.00	100.00
15.76.130	WASHING VEHICLES ON STREET	40.00	5.00			45.00	40.00	15.00	100.00



1 RESOLUTION NO. 11-

2 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AUBURN,  
3 CALIFORNIA, APPROVING A SCHEDULE OF PARKING PENALTIES  
4 -----

5 THE CITY COUNCIL OF THE CITY OF AUBURN DOES HEREBY RESOLVE:

6 WHEREAS, Section 40203.5(a) of the California Vehicle Code requires  
7 municipalities to establish a schedule of penalties for parking violations and  
8 late payments; and

9 WHEREAS, under California law, municipalities are also required to collect  
10 and pass through for subsequent deposit into various state and county funds,  
11 certain surcharges and fees which are added to the base penalty, fine or  
12 forfeiture imposed; and

13 WHEREAS, Government Code Section 70372(b) requires that the City to  
14 impose a State Court Construction penalty to be remitted to the County  
15 treasurer for subsequent deposit into a State Court facilities fund; and

16 WHEREAS, during the 2009 legislative session the California Legislature  
17 enacted Senate Bill 1407 (effective January 1, 2009), which established a  
18 surcharge amount of four dollars and fifty cents (\$4.50) for the State Court  
19 Construction penalty established under Government Code Section 70372(b);  
20 and

21 WHEREAS, during the 2010 legislative session the California Legislature  
22 enacted Senate Bill 857 (effective December 7, 2010), which established an  
23 additional surcharge amount of three dollars (\$3.00) under Government Code  
24 Section 76000.3; and

25 WHEREAS, the Department of Motor Vehicles requires that amounts it  
26 collects upon re-registration of vehicles be stated in even dollar amounts; and  
27  
28

WHEREAS, Auburn Municipal Code § 72.01, subsection (D), authorizes the City Council of the City of Auburn to approve and set parking fines and fees for parking violations.

THE CITY COUNCIL OF THE CITY OF AUBURN DOES HEREBY FIND,  
RESOLVE AND ORDER AS FOLLOWS:

Section 1. The City Council of the City of Auburn, hereby rescinds any previous resolutions which approved and set parking fines and fees for parking violations, along with all penalty schedules attached thereto.

Section 2. Pursuant to California Vehicle Code Section 40203.5, the schedule set forth in Exhibit A, attached hereto and incorporated herein by reference, is hereby adopted as the official Base and Late Fine Schedule for Parking Violations.

Section 3. This resolution shall become effective immediately upon its passage and adoption, except that the penalties set forth in the official Base and Late Fine Schedule for Parking Violations shall take effect as soon as citations are printed giving notice of the new fine amounts.

Section 4. The City Clerk shall certify to the passage and adoption of this resolution as required by law.

PASSED, APPROVED, AND ADOPTED this 10th day of January 2011.

DATED: January 10, 2011

William W. Kirby, M.D., Mayor

ATTEST:

Joseph G. R. Labrie, City Clerk

1 I, Joseph G. R. Labrie, City Clerk of the City of Auburn, hereby certify  
2 that the foregoing resolution was duly passed at a regular meeting of the City  
3 of Auburn held on the 10th day of January, 2011 by the following vote on roll  
4 call:

5  
6 Ayes:

7 Noes:

8 Absent:

9 \_\_\_\_\_  
Joseph G. R. Labrie, City Clerk

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